

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GREGORY C. REISING,

Petitioner,

vs.

BARB LEWIEN, Chief Executive
Officer, Warden;

Respondent.

8:17CV321

**MEMORANDUM
AND ORDER**

This matter is before the court on Petitioner's Motion for Copies. ([Filing No. 14.](#)) Petitioner requests "a free copy of all documents filed electronically." ([Id. at CM/ECF p.1.](#)) Petitioner previously filed a similar motion asking for copies of his habeas petition filed herein as well as documents related to his state court appeals. ([Filing No. 8.](#)) The court denied that motion and, likewise, will deny Petitioner's present motion for copies for the reasons that follow.

This court's local rules provide, in relevant part:

(f) Official Record. The clerk does not maintain a paper court file in any case unless required by law or local rule. When a document is filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed.

(1) Documents Filed Nonelectronically. The official record also includes documents filed nonelectronically under local rule.

(2) Original Documents Scanned and Discarded. The clerk scans and discards original documents brought to the clerk for filing unless the document's size or nature requires that it be kept in a paper format. An attorney who wishes to have an

original document returned after the clerk scans and uploads it to the System may, before submitting the document to the clerk, ask the assigned judge for written authorization for the document's return. Authorization is granted on a case-by-case basis. The court does not allow blanket authorizations for the return of all original documents filed by an attorney or office.

(3) Copies of Filings. A party who requests a copy of a paper document submitted for filing must, at the time of filing, supply the clerk's office with the copy and, if the return is to be made by mail, a self-addressed, stamped envelope.

NECivR [5.1](#)(f).

Here, Petitioner did not ask the undersigned judge for the return of his original documents prior to submitting them to the clerk's office for filing. In addition, Petitioner did not provide a self-addressed, stamped envelope for the return of his original documents. In addition, Petitioner did not submit payment for the cost of making copies, and Petitioner does not have the right to receive copies of documents without payment, even if the court granted him leave to proceed in forma pauperis. *See* [28 U.S.C. § 1915\(a\)\(1\)](#) (providing that a court may authorize the commencement of a suit "without prepayment of *fees or security therefor*") (emphasis added). If Petitioner requires copies of court documents, he should contact this court's clerk's office to determine the proper method for requesting and paying for copies. *See* NEGenR [1.3](#)(a)(1)(A)(iii) ("Paper and certified copies of electronically filed documents may be purchased from the clerk for a fee collected under [28 U.S.C. § 1914](#).")

To the extent that Petitioner seeks documents related to his underlying state criminal proceeding that is the subject of the present habeas petition, the court takes this opportunity to inform Petitioner that the Respondent is required to file any state court records necessary to support Respondent's motion for summary judgment or, if Respondent elects to file an answer, all state court records that are

relevant to the cognizable claims in the petition. *See, e.g.,* Rule 5(c)-(d) of the *Rules Governing Section 2254 Cases in the United States District Courts*. Respondent is also required to provide Petitioner with a copy of the specific pages of the record cited in Respondent's motion or answer and brief. (See [Filing No. 6 at CM/ECF pp.2-4](#).) Here, Respondent has until January 18, 2018, to file either a motion for summary judgment or the relevant state court records in support of an answer. Accordingly,

IT IS THEREFORE ORDERED that: Petitioner's Motion for Copies ([Filing No. 14](#)) is denied.

Dated this 10th day of January, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge